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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

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9 HELEN AND MARTIN YACK,

10 Plaintiff(s), No. C 07-5858 PJH

11 v. ORDER DISMISSING COMPLAINT

12 WASHINGTON MUTUAL INC, et al.,

13 Defendant(s).
14 _____ /

15 The complaint was filed on November 19, 2007, and an order setting the initial case
16 management conference and ADR deadlines was issued the same day, scheduling the
17 conference for February 28, 2008. Neither pro se plaintiff appeared at the case
18 management conference nor did either file a case management statement as ordered. No
19 defendant appeared as no defendant had been served.

20 An order to show cause (“OSC”) why the case should not be dismissed for failure to
21 prosecute and for failure to serve was issued on February 29, 2008, scheduling a hearing
22 on the OSC for April 3, 2008. Plaintiffs were informed in the OSC, that the deadline for
23 service of the summons and complaint was March 19, 2008. Plaintiffs were additionally
24 advised that if they failed to appear at the hearing on the OSC, their case would be
25 dismissed. No one appeared for plaintiffs and no defendant appeared, as no defendant
26 has yet been served.

27 On March 6, 2008, an amended complaint bearing the name of two lawyers was
28 filed. Yet no substitution of counsel has been filed and no attorney has contacted the court

1 or attempted to meet the deadlines imposed by the court's orders.

2 Accordingly, the complaint is dismissed for failure to prosecute and for failure to
3 serve any defendant.

4 **IT IS SO ORDERED.**

5 Dated: April 4, 2008



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PHYLLIS J. HAMILTON
7 United States District Judge
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